

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI**

**Contempt Case (AT) No. 15 of 2020**

**in**

**Company Appeal (AT) (Ins.) No. 847 of 2019**

**IN THE MATTER OF:**

**Anurag Nirbhaya**

**...Applicant.**

**Versus**

**Girish Agarwal & Anr.**

**...Respondents/Contemnors.**

**Present:**

**For Appellant: Mr. Syed Sarfaraz Karim, Advocate.**

**For Respondent: Mr. Anirudh Gupta and Ashish Gupta,  
Advocates for R-1 & 2.**

**ORDER**  
**(Virtual Mode)**

**03.02.2021** The Resolution Professional has filed Contempt Case (AT) No. 15 of 2020 claiming that in terms of the Orders dated 13<sup>th</sup> September, 2019, the Corporate Debtor has not paid the fees and expenses. Learned Counsel for the Respondent has filed Interlocutory Application No. 3046 of 2020 seeking modification of the Order referring to Regulation 33 of the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulations, 2016. We have seen Reply filed by Respondents.

2. We have seen the Orders which were passed on 13<sup>th</sup> September, 2019. The Order dated 13<sup>th</sup> September, 2019 shows that in view of the Settlement, the Order was passed and part of the Order stated as under:

*“In the circumstances, working for 42 days, we accept the fee of Mr. Anurag Nirbhaya, IRP at Rs. 1,50,000/- for the total period. Therefore, Mr. Anurag Nirbhaya will be entitled*

*to receive a sum of Rs. 2,82,000/- which is to be paid by the Appellant / 'Corporate Debtor' within three weeks failing which, it will be open to the IRP to bring the aforesaid fact to the notice of this Appellate Tribunal for appropriate orders."*

3. The order has recorded that failing payment of the amount, it would be open to the IRP to bring the said fact to the notice of this Tribunal for appropriate orders.

4. Considering the developments, we have option to proceed in Contempt and/or set aside the Orders and restore 'CIRP'. As such the Respondents may show cause why it would not be appropriate to pass orders for restoration of the 'CIRP'. The Respondents may also state why Charges for Contempt may not be framed. The Respondents may file Affidavits and show cause as to why 'CIRP' should not be restored and/or why charges for Contempt may not be framed.

5. The Affidavits may be filed within two weeks.

List the Contempt Case on **19<sup>th</sup> February, 2021**.

**[Justice A.I.S. Cheema]**  
**Member (Judicial)**

**[Mr. V.P. Singh]**  
**Member (Technical)**

Basant B./md.